

ORDINANCE NO. ___ 2ND SERIES

AN ORDINANCE OF THE CITY OF EAGAN, MINNESOTA, AMENDING EAGAN CITY CODE CHAPTER SIX ENTITLED “OTHER BUSINESS REGULATION AND LICENSING” BY DELETING SECTION 6.55 REGARDING RENTAL PROPERTY REGISTRATION AND BY ADDING A NEW SECTION 6.55 REGARDING RESIDENTIAL RENTAL PROPERTY LICENSING & REGULATIONS; AND BY ADOPTING BY REFERENCE EAGAN CITY CODE CHAPTER 1 AND SECTION 6.99.

The City Council of the City of Eagan does ordain:

Section 1. Chapter 6 of the Eagan City Code is hereby amended by deleting Section 6.55 in its entirety.

Section 2. Chapter 6 of the Eagan City Code is hereby amended by adding a new Section 6.55 to read as follows:

Section 6.55 LICENSING OF RENTAL DWELLINGS

Subd. 1. Purpose.

It is the purpose of this chapter to protect the public health, safety and welfare of the city by adopting a rental dwelling licensing, inspection, and maintenance program that corrects substandard conditions, maintains standards for existing and newly constructed rental dwellings, and ensures neighborhood stability in the city. The operation of rental properties is a business enterprise that includes certain responsibilities. Rental dwelling owners and managers are responsible to take such reasonable steps as are necessary to ensure that the residents who occupy such rental units, as well as neighboring properties, may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure, sanitary, free from noise, nuisances and annoyances, and free from unreasonable fears about safety of persons and property.

Subd. 2. Definitions.

For the purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Community Development Director means the City of Eagan Community Development Director or his or her designee.

Dwelling means as the term is defined in Chapter 11 of this Code.

Let or rent means to permit possession or occupancy of a dwelling by a person, who is not the legal owner of record thereof, for residential purposes for payment of a fee or other compensation to the owner under a lease or contract, written or verbal.

Licensee means the person who holds a valid, current, unexpired license pursuant to this Section, which is neither revoked nor under suspension.

Manager means any person who has been delegated by the property owner to have the charge, care or control of the rental dwelling and who has or would have the means, within the scope of the individual's duties, to enter or have access to a tenant's dwelling unit.

Multiple rental dwelling means four (4) or more single household dwelling units that are contiguously attached by common walls and owned by the same person.

Occupant means a person who occupies, resides, or is in actual possession of a dwelling or any portion of a dwelling for purposes of residing therein.

Operate means to charge a rental charge, fee or other form of monetary or non-monetary compensation for the use of a rental dwelling.

Owner means a person who, either individually or jointly, holds legal title or interest in real property, as may be recorded in the Dakota County Property Records Office.

Person means and includes a natural person, corporation, firm, association, company, partnership, organization, or any other legal entity.

Qualifying relative means an owner's spouse, significant other/domestic partner, parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew or niece. This relationship may be either by blood, marriage or adoption.

Rental dwelling means a dwelling that is let or rented to another person(s) who is not the owner or qualifying relative of the owner of the dwelling.

Rental dwelling inspection certificate means a certificate issued by the Community Development Director after the rental dwelling has passed a rental dwelling inspection in accordance with the provisions of this Section.

Single rental dwelling means a single detached dwelling or up to three contiguously attached dwelling units all of which are owned by the same person.

Tenant means a person who is an occupant of, but does not own, a dwelling for residential purposes, for payment of a fee or other compensation to the owner under a lease or contract, written or verbal.

Subd. 3. License required.

A. *General rule.* No person may operate a rental dwelling in the city without first obtaining and holding a valid license therefor from the City.

B. *Scope of Application; Exemption from license requirements.* This Section does not apply and no license is required hereunder when:

1. The residential dwelling is occupied by the owner or the owner's qualifying relative(s).
2. The dwelling is rented for a period of not less than 30 days and not more than 120 consecutive days and the owner occupies the dwelling during the remainder of the calendar year.
3. The dwelling or building is a cooperative or is licensed or registered by the State of Minnesota for residential program housing as the term is defined in Chapter 11 of this Code, long-term care facility, or for lodging accommodations, including hotels, motels, or resorts.
4. A dwelling or other facility for which a reasonable accommodation has been granted by the city under the Federal Fair Housing Amendments Act of 1988.
5. The tenant lets or rents a bedroom within a dwelling, provided the owner occupies the dwelling for 12 months per year and the owner and tenant(s) reside within the dwelling as a single household unit, sharing all living space areas and amenities within the dwelling except for respective bedrooms.
6. The occupant is a contract for deed vendee and the contract conveyance is duly recorded with the Dakota County Recorder's Office.
7. The dwelling is let or rented only during the period of time that the owner is absent and not occupying the dwelling due to owner's deployment under his/her active-duty military service.

This Paragraph B does not allow and shall not be construed as to allow short-term rentals for traveler lodging accommodation purposes which are commonly provided through house sharing platforms such as "Airbnb," "VRBO," and other vacation home rentals websites.

C. *Effective Date for Existing Rental Dwelling.* The applicability of the provisions in this Section for any rental dwelling/property within the city that existed as of the effective date of this Ordinance shall be effective pursuant to the implementation schedule adopted by the Community Development Director. All owners of rental dwellings within the city are subject to the license application deadlines as determined by the adopted implementation schedule. Failure to comply with the license application deadline for the owner's rental dwelling licensing shall be deemed a violation of this Section and subject to late fees and penalty fees as otherwise provided in this Section.

Subd. 4. License Application requirements.

A. *Application.* The owner of a rental dwelling shall submit a completed application upon the form(s) prescribed by the City. All questions asked or information required by the application forms shall be answered fully and completely by the applicant. Failure to answer all questions or provide all information and certified statements as required on the application form is grounds for denial of the license. Renewal applications shall be submitted by an owner on a renewal

application form provided by the city and by the prescribed deadline for renewal as noticed by the city.

The owner shall notify the Community Development Director in writing within 30 days of any changes to the information provided on the licensee's application.

As part of the license application, the applicant shall provide the following information:

1. The name, address, telephone number, e-mail address, and date of birth of all owners of the real property on which is proposed to be used as a rental dwelling.

2. The name, address, telephone number, e-mail address, and date of birth of a designated manager if the owner resides outside of the Twin Cities metropolitan service area.

3. The street address of the proposed rental dwelling, the number of dwelling units and types of units (single family home, condominium, apartment, townhome, etc.) within the rental dwelling. If the rental dwelling falls within the definition of multiple rental dwelling unit for licensing and license fee purposes, then the number of buildings with the number of dwelling units therein shall be provided.

4. The license applicant shall provide contact information for the following people, who shall be available to city officials by telephone 24 hours/day and 365 days/year:

a. At least one owner of the rental dwelling; and

b. At least one manager, if different from the owner; or

c. If the owner uses a property management company for management of the rental dwelling, then the person employed by the property management company responsible for managing the proposed licensed rental dwelling.

5. The social security number or tax identification number, as applicable, of each owner of the real property.

6. The applicant shall complete and duly sign all certification statements required on the application form. Any certification statement not signed or not signed in the affirmative by the applicant shall be grounds for denial of the license. These certification statements include, but are not limited to: a written lease agreement will be utilized for all tenants; tenants will be required to execute a Minnesota Crime Free Housing Lease Addendum; the licensee will conduct an appropriate criminal background check on all tenant applicants; the licensee will comply with the mandates of Minnesota's Kari Koskinen Manager Background Check Act (Minn. Stat. §§299C.66-299C.71 and as may be amended), the licensee and its manager will attend regular rental housing training as required by the City.

B. *Application Background Investigation.* All applications shall be subject to a background investigation as set forth herein. A background investigation is required for the property owner of the proposed license property, including each individual person having a 20% or more

financial interest in the property or the legal entity that owns the property. Notwithstanding, a rental dwelling license application submitted for a first-time license by the owner of a rental property who has the property properly registered with the City as of the effective date of this Ordinance will not be subject to a background investigation.

C. *License Fee and Other Fees & Penalties.*

1. The application fee and rental dwelling license fee shall be remitted to the City, along with the application. The application fee is non-refundable. Notwithstanding, the application fee will not be required to be paid/submitted with a license application for a rental dwelling/property that was properly registered as a rental property with the city, under the name of the current fee owner, as of the effective date of this Ordinance and the license application is timely submitted to the city in accordance with the City's implementation plan schedule for licenses under this Ordinance. An application fee is not required to be paid for license renewals.

2. A conversion fee shall be paid when an owner-occupied dwelling is converted to a rental dwelling that has not previously been a licensed rental property or was not properly registered as a rental dwelling at the time of the effective date of this Ordinance. The conversion fee shall be remitted to the City with the license application. The conversion fee is non-refundable. A rental property for which a rental dwelling license has been expired for more than one (1) year will be subject to a conversion fee upon application for a new rental license. No conversion fee shall be imposed upon or required to be paid by an applicant if the proposed licensed rental dwelling was properly registered as a rental property with the City as of the effective date of this Ordinance and the owner remits a complete rental dwelling license application for the rental dwelling in accordance with the City's implementation plan schedule for licenses under this Ordinance.

3. An application is not complete until the foregoing fees are paid in full.

4. The application fee, conversion fee, and license fee(s), and all other fees and penalties as set forth in this Section shall be in an amount as duly adopted by City Council's resolution. All fees and penalties hereunder may, from time to time, be amended by the council by resolution. The adopted fees and penalties will be set forth in the city's fee schedule. All fees and penalty fees shall be charged to and payable by the licensee.

There shall be two license categories defined by the number of rental dwelling units adjoined by common walls in a single building under common ownership of the licensee: (1) single rental dwelling; and (2) multiple rental dwelling, as those terms are defined herein.

Subd. 5. Rental dwelling inspection certificate.

A licensed rental dwelling shall be subject to an inspection by the City. The rental dwelling inspection is for the purpose of determining whether the licensed rental dwelling complies with the Minnesota State Building Code, the Minnesota State Fire Code, the International Property Maintenance Code as adopted in this Code, all other applicable federal, state, and county laws and regulations, the maintenance standards set forth herein, and the City's zoning regulations in this Code.

A license issued hereunder is subject to and conditioned on the licensed rental dwelling/property being in compliance with the foregoing laws and regulations.

Thereafter, licensed rental dwellings will be inspected on a schedule as determined by the Community Development Director. The Community Development Director may adopt an inspection policy for rental dwellings taking into account the property's inspection history, history of compliance with federal, state and local law, and the history of inspections, property maintenance violations, and other code enforcement violations at the property.

When a violation or noncompliance is found at the licensed premises during an inspection, the licensee is required to correct or abate the violation no later than the date provided in the City's written notice of the violation or noncomplying condition. A re-inspection of the licensed premises will be completed after the compliance deadline provided in the notice. If the violation or noncompliance is not corrected or abated, a second compliance deadline will be issued. Upon the second re-inspection, a re-inspection fee will be imposed against and shall be paid by the licensee within 30 days of the date of a notice from the city. The reinspection fee shall be in an amount as duly adopted by Council Resolution and set forth in the City's Fee Schedule. If the violation or noncompliance is found not to be corrected or abated at the second re-inspection, the licensee may be subject to further license action and penalty fees as provided elsewhere in this Section.

Subd. 6. Written tenant application and lease agreement required.

The licensee shall screen all potential tenants using a written tenant application. The licensee shall use a written lease agreement for all tenants. The licensee must have all tenants execute a Minnesota Crime Free Housing Lease Addendum. The written tenant application must include sufficient information so that the licensee can conduct an appropriate criminal background check on prospective tenants. The written tenant application and written lease agreement and the Minnesota Crime Free Housing Lease Addendum for each tenant must be kept and maintained by the licensee during the period that the tenant rents or occupies the rental dwelling. Upon request by the Community Development Director, the licensee shall show proof, satisfactory to the city, that the licensee is maintaining the documents required by this section. Failure to use, maintain, or provide these documents to the city upon request is a violation of this Section and of the license.

Subd. 7. Changes in ownership.

A license hereunder is not transferable. If there is a change in the ownership of the rental dwelling, then the license automatically terminates. The new owner must apply for a new license under this Section prior to the change in ownership.

Subd. 8. Changes in the rental dwelling.

If changes are made in the number or type of units within the licensed premises, the licensee shall file an application to amend the rental license. Depending on the nature of the changes, the city may require a new property inspection.

Subd. 9. Annual license.

Licenses issued under this Section shall have a duration period of 12 months. The expiration date of the license is as may be imposed, set, established, and fixed by Community Development Director. A license renewal application must be submitted to the city no less than 60 days prior to the expiration date of the existing license.

Subd. 10. Tenant background checks and roster.

As a condition of the license, the licensee must, as a continuing obligation, conduct a criminal background check on all prospective tenants and maintain a current roster of tenants and other persons who have a lawful right to occupy the rental dwelling. The licensee must designate the name of the person or persons who will have possession of the roster and must promptly notify the Community Development Director of any change in the identity, address or telephone numbers of the designee. The roster must be available for inspection by city officials upon request.

Subd. 11. Display of license certificate.

Rental licenses must be conspicuously posted as follows: (1) if the unit has a separate private entrance from the exterior of the building directly into the dwelling unit, then the license shall be posted inside every single rental dwelling; (2) if the entrance into the unit is from an interior shared, common area/corridor, then the license shall be posted at or near the front entrance of the building, a public corridor or hallway, or lobby of the building for which the license is issued.

Subd. 12. Compliance with Minn. Stats. § 211B.20.

Licensee must comply with the requirements of Minn. Stats. § 211B.20 (or as may be amended hereafter) and allow political candidates who have filed for election to public office and seek access to tenants of the licensed rental dwelling solely for the purpose of campaigning.

Subd. 13. Crime-free rental housing Phase I training required.

The licensee or the manager of the rental dwelling must attend all rental housing training course(s) and seminars required by the Community Development Director as a condition of the license. The cost of attending the training requirements under this section shall be paid by the licensee. Course attendance will be required on a schedule to be determined by the Community Development Director.

Subd. 14. Responsibility for acts of manager.

A licensee is responsible for the acts or omissions of its manager as it pertains to the rental dwelling.

Subd. 15. Maintenance standards and Conditions of License. A license under this Section shall be subject to the standard and conditions set forth herein.

A. A licensee shall maintain all licensed rental dwellings in compliance with all city regulations in this Code, and all applicable state and federal laws. A violation of any provision in this Section and any of the following City Code chapters constitutes a violation of the license and shall be abated under the provisions of the public nuisance chapter of this City Code:

- (1) Minnesota Building and Fire Codes (Chapters 4 and 10),
- (2) Zoning/Land Use Code (Chapter 11),
- (3) Animals Regulations (Chapter 10),
- (4) Fire Prevention and Protection Regulations (Chapter 10),
- (5) Public protection, Crimes and Offenses (Chapter 10),
- (6) International Property Maintenance Code (Chapter 10)

B. *Inspections.* The building official, fire chief, and police chief, and their respective designees, are authorized to make inspections reasonably necessary to enforce this Section. All authorized inspectors have the authority to enter any rental dwelling or unrented and unoccupied rental dwelling unit at all reasonable times. The City will notify the licensee to schedule the inspection; however it is the responsibility of the licensee to work with the City to ensure the inspection is scheduled and satisfactorily completed. The licensee is responsible for notifying all tenants of the inspection at least twenty-four (24) hours in advance and ensuring access in the tenants' units for the inspection(s). The City will make reasonable efforts to notify the licensee. The licensee must provide access to the requesting City official at the date and time of the scheduled inspection. Failure to provide access for any reason may result in a reinspection fee, in addition to any other sanctions imposed for noncompliance. The City will not charge a reinspection fee if the owner/manager cooperates with gaining access to occupied units if refused by the tenant.

C. *Solid waste management.* The licensee shall comply with all solid waste management regulations set forth in this Code and it shall be the responsibility of the licensee that all licensed rental dwellings have solid waste disposal services, including recycling services, in accordance with the solid waste management regulations set forth in this Code.

D. *Other Conditions/Requirements.* The licensee shall comply with the following:

1. The licensee shall pay all fees required to be remitted by the applicant/licensee under this section or any violation civil penalty fee that has been imposed against the licensee.

2. The licensee is required to manage and control the activity occurring in a rental dwelling unit under the license and shall be responsible for the city's response to repeat nuisance service calls and fees, as regulated in Section 10.44 of this Code, at the licensed premises. It shall be deemed as or constitute a violation of the license if the city responds to a nuisance service call at the licensed premises on 6 or more occasions within a period of 365 days.

3. When any tenant(s) in the licensed premises have violated the provisions of the crime free lease addendum or who have otherwise created a nuisance in violation of the provisions of the written lease, the licensee shall take overt steps to abate the nuisance(s) created at the rental dwelling.

4. The licensee shall comply with all other provisions in this Section.

Subd. 16. License denial, suspension, or revocation.

A. *Grounds for denial, suspension, or revocation.* The Community Development Director may deny or not renew a license and the city council may suspend or revoke a license hereunder for any of the following reasons which shall constitute a violation of this Section and shall be deemed as conditions of the license:

1. The property or conditions thereon do not comply with the Minnesota State Building Code, the Minnesota State Fire Code, and the International Property Maintenance Code, all of which are adopted elsewhere in this City Code.

2. The property does not comply with the maintenance standards set forth herein above.

3. The licensee has failed to pay any fees required to be remitted by the applicant/licensee under this section or any violation civil penalty fee that has been imposed against the licensee.

4. The licensee has made fraudulent statements, misrepresentations, or false statements in the application or investigation or in regard to any information required by this section.

5. The licensee or manager of the proposed licensed premises has been convicted of a background check crime as that term is defined in Minn. Stats. § 299C.67, subd. 2, (as may be amended from time to time), or any crime related to rental of residential property, and failed to show, by competent evidence, rehabilitation and present fitness to perform the duties of the business.

6. The licensed premises has had maintenance standard violations on two or more occasions which the licensee had failed to bring into compliance after proper notice by the City within the term of the license duration or on four or more occasions within a 36-month period.

7. The licensee violated any condition of the license as set forth in this Paragraph or elsewhere in this Section.

8. The applicant, whether a natural person or a corporation, partnership, association, enterprise, business, or firm in which any person who has a financial interest therein has had a license for operation of a rental property revoked by the City or any other jurisdiction within five years of the license application hereunder, or to any person who at the time of the license revocation owned any interest, whether as a holder of more than five percent of the capital stock of a corporate licensee, as a partner or otherwise, in the premises or in the business conducted thereon.

9. Failure to schedule or allow inspections of the licensed premises for the purpose of ensuring compliance with rental licensing requirements and the maintenance standards set forth herein.

10. County property taxes or any fees, assessments or service charges lawfully imposed by the City in connection with the proposed rental property are delinquent.

B. The city council may either revoke a license or suspend a license, or impose a civil penalty for each violation, or a combination thereof. If a license is determined to be suspended, then the Council shall a set period of time for the suspension and may impose conditions for reinstatement of the license as it deems necessary.

C. *Notice & Hearing for Suspension or Revocation of License.* A licensee subject to suspension or revocation of its license shall first have a right to notice and a hearing before a hearing officer, as appointed by Council, in accordance with the notice and hearing provisions set forth herein.

1. *Notice.* The city will provide to the licensee written notice of intended action on the license. The notice shall provide the grounds for the proposed license action, the licensee's right to a hearing before the hearing officer on the exclusive issue of the grounds for the proposed license action, and the procedures for licensee to file a request for hearing. The notice may be served upon the licensee personally, or sent by U.S. Mail to the address listed on the license application.

2. *Hearing.* A hearing will be conducted by a hearing officer appointed by the council. A hearing shall be pursuant to the Minnesota Administrative Procedure Act. The licensee right to a hearing is subject to the licensee timely filing a request for hearing with the city clerk. No hearing will be held unless the licensee files a request for hearing with the city clerk within ten (10) business days of the date of the notice of the license action or civil penalty. Upon receipt of a request for hearing, the city clerk shall schedule a hearing before a hearing officer at the earliest date that is available for the hearing officer, but in no case later than 60 days from the date of the licensee's request for hearing. In the event that the licensee fails to timely request a hearing or fails to appear at a scheduled hearing, the licensee shall be deemed to have waived his/her right to a hearing and shall be subject to the license action or civil penalties imposed hereunder.

If the licensee timely requests a hearing, the hearing shall be held before the hearing officer within 60 days of the date the licensee files a request for hearing with the city clerk. Upon conclusion of the hearing, the hearing officer shall issue written findings of fact and conclusions as to whether (1) a violation has occurred; and (2) the penalty imposed is in accordance the provisions of this Section. The hearing officer's Findings and Conclusions shall be forwarded to the city council for consideration and council will make the final determination and take formal action on the license. Any hearing before the city council for consideration of additional penalties as prescribed herein shall be in addition and subsequent to any hearing before the hearing officer.

D. *Final decision.* Following the hearing, the council may revoke or suspend the license for all or any part of the licensed premises, may stay the revocation or suspension upon such terms and conditions as it deems reasonable and necessary to accomplish the purposes of this chapter, or grant or continue the license. If the council suspends or revokes the rental license, the council may also order that any rent payable during the suspension or revocation period be paid into an escrow account to be maintained by the city. The city may use the escrowed funds to pay for the cost of abating violations at the property. Funds that remain in the escrow account after paying for abatement items shall be returned to the licensee upon the licensee receiving a valid rental license or upon the sale of the rental to an unrelated purchaser and after the rental dwelling has been brought into full compliance with City Code. The decision by the city council following a hearing is final. Upon a

decision to suspend a license, no new application from the current licensee for the same rental dwelling will be accepted for a period of time specified in the council's decision, not exceeding one year. A decision to revoke a license will result in no new application being accepted from the same licensee for a minimum of 24 months.

Any appeal of the city council's decision under this section shall be pursuant to a petition for writ of certiorari to the Minnesota Court of Appeals in accordance with Minnesota Statutes governing administrative procedures and the Minnesota Rules of Civil Appellate Procedure.

E. *Appeal of decision to deny or not renew license.* If the Community Development Director denies or does not renew a license, the licensee shall be notified in writing, specifying the reasons for denying or not renewing the license. If the licensee corrects the conditions leading to the denial or non-renewal within seven days, the Community Development Director shall issue the license. A licensee whose license has been denied or not renewed by the Community Development Director may appeal the decision by filing with the Community Development Director a written notice of appeal within fourteen (14) days of receiving notice of the Community Development Director's decision. The hearing will be conducted pursuant to the foregoing provisions in this Subdivision.

F. *Notification to tenants.* Upon denial of renewal, suspension, revocation or other enforcement action of a license, the city will notify all tenants of the licensed premises of the action against the license. If the license is revoked or suspended the licensee may not let, rent or allow to be occupied any vacant dwelling units, or dwelling units that become vacant during the revocation or suspension period.

Subd.17. Posted Order to Vacate.

Whenever any rental dwelling is found to be unsafe, as defined by the Minnesota State Building and Fire Codes, the City's Chief Building Official and Fire Chief has the authority to issue an Order to Vacate the licensed premises. Upon the posting of an Order to Vacate on a licensed premises, the licensee has the duty to vacate the license premises and to notify and ensure all tenants are removed from the premises.

Subd. 18. Rules, policies, and procedures.

By resolution the city council may adopt rules, policies, and procedures for the implementation of this Section. A licensee is obligated, as a condition of its license hereunder, to comply with all rules, policies and procedures duly adopted by Council. Any violation of any adopted rule, policy, or procedure by a licensee is deemed as a violation of this Section and the license.

Subd. 19. Fair Housing Act and Minnesota Human Rights Act.

Licensee shall adhere to the requirements of the federal Fair Housing Act, also known as Title VIII of the Civil Rights Act of 1963, and all amendments thereto, and the Minnesota Human Rights Act, and all amendments thereto.

Subd. 20. License Violation and Civil Penalty.

A. *Violation.* For this section, a violation shall be defined as any failure to comply with a state statute or regulation or any provision of the City Code relating to operation of rental property, property maintenance and land use. Any employee, official or law enforcement officer of the City who becomes aware of a violation, regardless of whether any action is taken to issue an oral or written warning, a citation or a complaint, may prepare a written report of the violation. The written report shall be provided to the Community Development Director who shall send a copy to the licensee. A violation by an officer, employee or agent of the licensee, including the manager, shall be deemed to be a violation by the licensee.

B. *Penalty.* Upon a finding that the licensee committed a violation, a civil penalty shall be imposed upon the licensee who shall pay the civil penalty within 30 days of the date of a notice from the city. The civil penalty shall be in an amount as duly adopted by Council Resolution and set forth in the City's Fee Schedule. The amount of the civil penalty may be in graduated amounts based on the number of violations within set certain period of time, as determined by Council Resolution. No civil penalty imposed hereunder shall take effect until the licensee has been given an opportunity for a hearing before a hearing officer duly appointed by the city administrator as provided in this section. The imposition of a civil penalty may be in addition to suspension or revocation of a license.

C. *Failure to pay.* If the licensee fails to pay the civil penalty within 30 days of notice, the licensee's license shall be suspended until the civil penalty, plus any surcharge or interest for late payment, is paid in full. A licensee subject to suspension under this paragraph shall first have a right to a hearing before the hearing officer in accordance with the hearing provisions set forth herein, provided the exclusive issue for hearing is the suspension of license for nonpayment of the civil penalty.

Section 3. Eagan City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including 'Penalty for Violation'" and Section 6.99, entitled "Violation a Misdemeanor" are hereby adopted in their entirety by reference as though repeated verbatim.

Section 4. Summary approved. The City Council hereby determines that the text of the summary marked "Official Summary of Ordinance No. ____" a copy of which is attached hereto clearly informs the public of the intent and effect of the ordinance. The City Council further determines that publication of the title and such summary will clearly inform the public of the intent and effect of the ordinance.

Section 5. Effective Date. This ordinance shall take effect upon its adoption and publication according to law.

ATTEST:

CITY OF EAGAN
City Council

By: Elizabeth VanHoose

By: Mike Maguire

Its: City Clerk

Its: Mayor

Date Ordinance Adopted:

Date Ordinance Published in the Legal Newspaper:

The following is the official summary of Ordinance No. ____ as approved by the City Council of the City of Eagan on _____:

ORDINANCE NO. ____ 2ND SERIES

AN ORDINANCE OF THE CITY OF EAGAN, MINNESOTA, AMENDING EAGAN CITY CODE CHAPTER SIX ENTITLED “OTHER BUSINESS REGULATION AND LICENSING” BY DELETING SECTION 6.55 REGARDING RENTAL PROPERTY REGISTRATION AND BY ADDING A NEW SECTION 6.55 REGARDING RESIDENTIAL RENTAL PROPERTY LICENSING & REGULATIONS; AND BY ADOPTING BY REFERENCE EAGAN CITY CODE CHAPTER 1 AND SECTION 6.99.

Section 6.55, governing registration of residential rental property, is deleted in its entirety. A new Section 6.55 is added to require a license for residential rental property and to establish application and approval process, regulations related and condition of the license and grounds for denial, suspension or revocation of licenses.

A printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the City Clerk at the Eagan Municipal Center, 3830 Pilot Knob Road, Eagan, Minnesota 55122.

Effective date. This ordinance shall take effect upon its passage and publication.